

A bill for an act

relating to marriage; requiring participation in a marriage dissolution education program in marriage dissolution or legal separation proceedings involving minor children; proposing coding for new law in Minnesota Statutes, chapter 518.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. **[518.159] MARRIAGE DISSOLUTION AND LEGAL SEPARATION
EDUCATION REQUIREMENTS.**

Subdivision 1. **Application.** This section applies to marriage dissolution and legal separation proceedings involving minor children.

Subd. 2. **Participation requirements.** (a) Service of a petition, counterpetition, or answer in a marital dissolution or legal separation proceeding is not complete unless the pleading is accompanied by an affidavit verifying that the serving party has completed a marriage dissolution education program under this section. A court administrator must not accept for filing a petition, joint petition or counterpetition, answer, marital termination agreement, or stipulated judgment and decree unless it is accompanied by an affidavit verifying that the filing party has, or, in the case of a joint petition, marital termination agreement, or stipulated judgment and decree, both parties have, completed an online marriage dissolution education program.

(b) The affidavit verifying completion of the marriage dissolution education program must be in the following form:

"This certifies that (party's name) has successfully completed the online course (course name), which qualifies as an online marriage dissolution education program in accordance with Minnesota Statutes, section 518.159."

(c) The requirements of paragraph (a) are satisfied if a party includes an accompanying affidavit verifying that it is not reasonably possible for the party to complete the program and states the reason in the following form:

"I attest that it is not reasonably possible for me to complete the online parent marriage dissolution education program for the following reason (check box that applies):

() I cannot speak or read the languages in which qualifying programs are offered;

() I do not have access to a private or library computer connected to the Internet; or

() I am experiencing an emergency that requires me to file before I complete the program. The emergency is:"

Subd. 3. Program requirements. (a) The online program "Children in the Middle" qualifies as an education program for purposes of this section. Other online programs may qualify under this section, provided that the program is designed for parents who are or may be seeking a marriage dissolution or legal separation and has demonstrated scientific evidence of effectiveness in reducing parental conflict and improving children's adjustment. Scientific evidence means controlled research that uses outcome measures that have reliability and validity at a level that is conventionally accepted by experts in the field. The program must also have evidence that it can be implemented in a way that is consistent with the version that was evaluated. The program must provide information on:

(1) constructive parenting in the dissolution process, including risk factors for families, how marriage dissolution affects children of different ages, and skills parents can learn to diminish conflict and increase cooperation. This component of the program must be aimed at increasing the parents' sensitivity to children's needs and at giving them skills to improve their own and the children's adjustment to the breakup of the family;

(2) the legal process of marriage dissolution, including an overview of the adversarial litigation process; the nature and availability of alternative processes such as mediation, collaborative law and cooperative approaches, and restorative circles; and the advantages and disadvantages of alternative processes, including available research on the satisfaction levels, reduced conflict, and better parenting cooperation by parties who avoid adversarial proceedings; and

(3) the option of reconciliation, including research on reconciliation among couples considering marriage dissolution, the potential benefits of avoiding marriage dissolution, ways that some couples have restored their marriages to health, and resources to assist with reconciliation for interested couples.

(b) The qualification of programs other than "Children in the Middle" must be determined by the Supreme Court, in consultation with scientific experts. Expenses for the evaluation must be paid by the program requesting to be qualified under this section.

3.1 Subd. 4. **Costs.** Costs for taking the online program must be paid by each individual
3.2 taking the program. Individuals making less than 200 percent of the federal poverty
3.3 guideline are entitled to a waiver of the fee for the program. The education program is
3.4 responsible for determining if an individual is entitled to a fee waiver.

3.5 **EFFECTIVE DATE.** This section is effective September 1, 2010, and applies to
3.6 proceedings in which the initial petition is served on or after that date.